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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,092	02/21/2002	Barton A. Pasternak	35783-152950	2819

23973 7590 03/31/2003

DRINKER BIDDLE & REATH
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

EXAMINER

DELGIZZI, RONALD E

ART UNIT PAPER NUMBER

2875

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,092

Applicant(s)

PASTERNAK

Examiner

DELGIZZI

Group Art Unit

2875

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 2/21/2002
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-14 is/are pending in the application.
- Of the above claim(s) NONE is/are withdrawn from consideration.
- ☒ Claim(s) 8-12 is/are allowed.
- ☒ Claim(s) 1-6, 13-14 is/are rejected.
- ☒ Claim(s) 7 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 & 4-6 are rejected under 35 USC 102 (b) as anticipated by CHU.

3. Regarding Claim 1, CHU discloses (Col 1, lines 5-9) and shows (Figs 2-6) an adjustable device for providing high intensity directional lighting, the device comprising: a directionally adjustable socket adapter having; a rotatable upper portion for receiving a light bulb; and a lower portion adapted to engage a socket wherein said rotatable upper portion is hingedly and rotatably attached to said lower portion so that the directionally adjustable socket adapter may be positioned in a plurality of alternative directional arrangements (Col 2, lines 27-64).

Note: In response to applicant's arguments, the recitation "for providing high intensity directional lighting" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

4. Regarding Claim 2, CHU discloses (Col 1, lines 5-9) and shows (Figs 2-6) the device as in claim 1, wherein the rotatable upper portion comprises an outer housing and an inner socket.

5. Regarding Claim 4, CHU discloses (Col 1, lines 5-9) and shows (Figs 2-6) the device as in claim 1, wherein the rotatable upper portion is adapted to rotate at least 360 degrees about an axis perpendicular to the rotatable upper portion (Figs 2-6).

6. Regarding Claim 5, CHU discloses (Col 1, lines 5-9) and shows (Figs 2-6) the device as in claim 4, wherein the directionally adjustable socket adapter is adapted so that the socket adapter can be further adjusted by angularly positioning the rotatable upper portion in relation to the lower portion as desired and by rotating the angularly positioned rotatable upper portion to a desired point within an at least 360 degree range of rotation about an axis perpendicular to the lower portion.

7. Regarding Claim 6, CHU discloses (Col 1, lines 5-9) and shows (Figs 2-6) the device as in claim 1, further comprising a light bulb (Figs 2-6).

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

9. Claim 13 is rejected under 35 USC 102 (e) as anticipated by VICTOR.

10. Regarding Claim 13, VICTOR discloses (Col 2, lines 32-37) and shows (Figs 1-3) an adjustable device for providing high intensity directional lighting, the device comprising: a directionally adjustable socket adapter having; a rotatable upper portion for receiving a light bulb; a lower portion hingedly and rotatably attached to said upper rotatable portion; and being adapted so that the directionally adjustable socket adapter may be rotated at least 360 degrees about at least one axis of rotation and angularly positioned in a plurality of angular positions for positioning the

adjustable socket in a plurality of alternative directional arrangements (Col 1, lines 65-67 & Col 2, lines 1-3).

11. Regarding Claim 14, VICTOR discloses (Col 2, lines 32-37) and shows (Figs 1-3) an adjustable device as in claim 13, wherein the directionally adjustable socket adapter is adapted to be rotated at least 360 degrees about two axes of rotation.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 3 is rejected under 35 USC 103(a) as unpatentable over CHU in view of JOHNSON.

14. Regarding Claim 3, CHU discloses the invention substantially as claimed including the device as in claim 2; however, CHU fails to expressly disclose that the outer housing further comprises a plurality of sensors adapted to receive a remote signal for controlling the brightness of a light bulb in response to the signal. JOHNSON teaches a remote control receiver and sensor system for lights. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to use the remote control system as taught by JOHNSON to the invention of CHU for the purpose of enhancing its operation by a user.

Allowable Subject Matter

15. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening

claims.

16. The following is a statement of reasons for the indication of allowable subject matter:

17. The instant invention recites the device of 6 wherein the light bulb comprises a coating adapted to focus light emitted by the bulb in a particular direction.

18. Claims 8-12 are allowed.

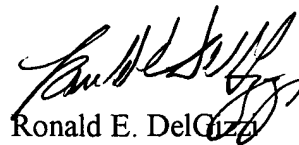
19. The following is a statement of reasons for the indication of allowable subject matter:

20. The prior art of record fails to show or suggest the device of Claim 8 comprising generally an adjustable device for providing high intensity directional lighting, the device comprising a light bulb having a coating adapted to focus light emitted by the bulb in a particular direction; and a directionally adjustable socket adapter having; a rotatable upper portion for receiving the light bulb; and a lower portion adapted to engage a socket wherein said rotatable upper portion is hingedly and rotatably attached to said lower portion so that the light emitted by the light bulb may be focused on a particular location as desired.

Conclusion

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald E. DelGizzi, Mon-Thurs, 0730 to 1800 EST at (703) 305-0648, or to Sandra O'Shea, Supervisory Patent Examiner, Mon-Fri, at (703) 305-4939, or to the receptionist at (703) 308-0956 (phone) or at either fax # (703) 305-3431 or fax # (703) 308-7724.

rdg


Ronald E. DelGizzi

March 22, 2003

Patent Examiner, Art Unit 2875